

Mayor and Council Communication

DATE: 06/22/21

M&C FILE NUMBER: M&C 21-0442

LOG NAME: 06CHAPEL CREEK PH. 5 ADDITIONAL IMPACT FEE FUNDING

SUBJECT

(CD 3) Authorize Execution of Amendment No. 1 to the Community Facilities Agreement with D.R. Horton - Texas, Ltd, to Increase City Participation in an Amount Not to Exceed \$492,083.00, to Construct Off-Premise Arterials, Adopt Attached Appropriation Ordinance and Amend the Fiscal Years 2021-2025 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the execution of Amendment No. 1 to the Community Facilities Agreement with D.R. Horton - Texas, Ltd, to include additional City participation in an amount not to exceed \$492,083.00 to construct off-premise arterial sections adjacent to Chapel Creek Phase 5;
 2. Adopt the attached appropriation ordinance increasing receipts and appropriations in the Transportation Impact Fee Capital Fund in the amount of \$492,083.00 for the purpose of funding the Community Facilities Agreement Chapel Creek Phase 5 project (City Project No. 102048) from available funds in the Revenue - Service Area S - Transportation Impact Fee project (City Project No. UN9922); and
 3. Amend the Fiscal Years 2021-2025 Capital Improvement Program.
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DISCUSSION:

On December 15, 2020, the City Council authorized the execution of a community facilities agreement (CFA) with D.R. Horton - Texas, Ltd., with City participation in an amount up to \$1,600,000.00 for the over sizing of arterials adjacent to the Chapel Creek Phase 5 development (Mayor and Council Communication (M&C) 20-0927). The amount of the City's participation was based on the engineer's estimate of construction costs, including a 20 percent contingency. The project was privately bid and the final bid amount was \$492,083.00 above the engineer's estimate for items the City agreed to fund.

This M&C is to authorize the execution of Amendment No. 1 to the CFA that will increase the total amount of City participation to reflect the actual bid amounts. This amendment provides for additional City participation up to \$492,083.00, of which \$234,534.00 is for construction costs, \$88,389.00 is for right-of-way acquisition, and \$169,160.00 is for engineering services. The developer is providing the initial funding for the construction and the City is reimbursing its share of the construction costs through periodic draws. Any residual funds remaining after project closure are to be returned to the Revenue - Service Area S - Transportation Impact Fees project.

The additional funding for this project was not included in the FY2021-2025 Capital Improvement Program due to final bid amount was higher than the engineer's estimate. The action in this M&C will amend the FY2021-2025 Capital Improvement Program as approved in connection with Ordinance 24446-09-2020.

This project is located in COUNCIL DISTRICT 3.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the Revenue - SA S - Transp Imp Fees within the Transportation Impact Fee Cap Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the Transportation Impact Fee Cap Fund for the CFA-Chapel Creek Phase 5 project to support the approval of the above recommendations and execution of the amendment to the community facilities agreement. Prior to an expenditure being incurred, the Transportation and Public Works Department has the responsibility of verifying the availability of funds.

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